

2660  
No. 12677

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United States  
Court of Appeals  
for the Ninth Circuit.

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KAM KOON WAN, on His Own Behalf and on  
Behalf of All Other Persons and Employees  
of Defendant Who Are Similarly Situated,  
Appellant,

vs.

E. E. BLACK, LTD., a Hawaiian Corporation,  
Appellee.

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Transcript of Record

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Appeal from the United States District Court,  
Territory of Hawaii.

FILED

NOV - 3 1950

PAUL P. O'BRIEN,  
CLERK



No. 12677

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United States  
Court of Appeals  
for the Ninth Circuit.

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KAM KOON WAN, on His Own Behalf and on  
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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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In the United States Court of Appeals  
for the Ninth Circuit

No. 12,677

KAM KOON WAN, et al.,

Appellants,

vs.

E. E. BLACK, LTD., a Hawaiian Corporation,  
Appellee.

STIPULATION RE RECORD ON APPEAL

It is hereby stipulated and agreed by and between the parties through their respective attorneys as follows:

1.

That the above cause be submitted upon the briefs, argument and the printed record in Kam Koon Wan, et al., Appellants, v. E. E. Black, Appellee, No. 12,677, in this Court, and such supplemental record as may be approved by the Court.

2.

That in addition to the printed record referred to in (1) above, a supplemental record be printed contained the following items:

(a) Motion for leave to amend complaint and order allowing amendment filed June 23, 1950;

(b) Stipulation re amended complaint filed June 23, 1950;





In the United States Court of Appeals  
for the Ninth Circuit

No. 12,677

KAM KOON WAN, et al.,

Appellants,

vs.

E. E. BLACK, LTD., a Hawaiian Corporation,  
Appellee.

STIPULATION RE RECORD ON APPEAL

It is hereby stipulated and agreed by and between the parties through their respective attorneys as follows:

1.

That the above cause be submitted upon the briefs, argument and the printed record in Kam Koon Wan, et al., Appellants, v. E. E. Black, Appellee, No. 12,677, in this Court, and such supplemental record as may be approved by the Court.

2.

That in addition to the printed record referred to in (1) above, a supplemental record be printed contained the following items:

(a) Motion for leave to amend complaint and order allowing amendment filed June 23, 1950;

(b) Stipulation re amended complaint filed June 23, 1950;

(c) Findings of Fact and Conclusions of Law filed June 23, 1950;

(d) Judgment filed June 23, 1950;

(e) All minute orders and docket entries of the District Court in the above cause dated June 23, 1950; and

(f) Notice of Appeal filed July 11, 1950.

Dated: Honolulu, Hawaii, August 7, 1950.

/s/ SAMUEL LANDAU,  
Attorney for Appellants.

/s/ J. GARNER ANTHONY,  
Attorney for Appellee.

So Ordered:

/s/ CLIFTON MATHEWS,

/s/ HOMER T. BONE,  
United States Circuit Judges.

[Endorsed]: Filed U.S.C.A. September 12, 1950.

In the United States District Court  
for the Territory of Hawaii

Civil No. 672

KAM KOON WAN, on His Own Behalf and on  
Behalf of All Other Persons and Employees  
of Defendant Who Are Similarly Situated,

Plaintiffs,

vs.

E. E. BLACK, LTD., a Hawaiian Corporation,  
Defendant.

#### STIPULATION RE AMENDED COMPLAINT

It is hereby stipulated and agreed by and between the parties through their respective attorneys that the complaint as amended shall be effective as of the date the original complaint was filed and that all pleadings filed subsequent to the original complaint, such as Answers, Motions to Intervene, Motion for Summary Judgment, Ruling Upon Motion for a Partial Summary Judgment, F. R. C. P., Motion for Rehearing, Stipulation, and the Ruling Upon Coverage Pursuant to Stipulation, shall re-

main in full force and effect and effective as though filed subsequent to the Amended Complaint.

Dated: Honolulu, T. H., this 23rd day of June, 1950.

/s/ SAMUEL LANDAU,  
Attorney for Plaintiffs.

/s/ J. GARNER ANTHONY,  
Attorney for Defendant.

Approved June 23, 1950.

/s/ J. F. McLAUGHLIN.

[Endorsed]: Filed June 23, 1950.

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[Title of District Court and Cause.]

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This cause having come on to be heard on motion for summary judgment on September 12, 1947, and the court having issued a ruling upon motion for a partial summary judgment on February 5, 1948, and the parties through their respective counsel having filed on May 18, 1948, a stipulation describing the work performed by defendant between November 14, 1939, and December 7, 1941, and the court on August 12, 1948, having issued a ruling as to which of the jobs described in said stipulation were covered by the Fair Labor Standards Act of 1938, as amended, and a hearing having been held on January 14, 1949, and evidence having been adduced with respect to the work done by each of

the plaintiffs herein for defendant during the period November 14, 1939, to December 7, 1941, on jobs described in the ruling of August 12, 1948, as being covered by the Fair Labor Standards Act of 1938, as amended, and evidence having been adduced also with respect to the hours of work and rates of pay of plaintiffs during the aforesaid period of time on said jobs;

Now, Therefore, the court makes the following:

### Findings of Fact

#### I.

On the dates and during all the times herein mentioned, defendant E. E. Black, Ltd., was and now is a corporation organized and doing business under the laws of the Territory of Hawaii, having its principal office and place of business at Honolulu, Territory of Hawaii.

#### II.

During the 6-year period next preceding the commencement of this action and for varying periods of time plaintiffs were employed by defendant.

#### III.

From and after November 10, 1943, until the date of the commencement of this action, those plaintiffs who were employed by defendant were paid according to the rates of pay prescribed by the Fair Labor Standards Act of 1938 as amended, as more fully set forth in the ruling upon motion for a partial

summary judgment issued by this court on February 5, 1948.

#### IV.

From and after December 7, 1941, and until November, 1943, such of the plaintiffs as were employed by defendant were paid according to rates of pay prescribed by orders of the military governor of Hawaii. Defendant was subject to the said orders of the military governor and paid its then employees in good faith in conformity with and in reliance upon such orders, all as more fully set forth in ruling upon motion for a partial summary judgment dated February 5, 1948.

#### V.

For the period November 14, 1939, to December 7, 1941, defendant performed the following jobs which were held to be covered by the Fair Labor Standards Act of 1938 as amended, in the ruling upon coverage, pursuant to stipulation entered herein on August 12, 1948:

(1) Addition to the Federal Building (Hilo Post Office) in Hilo, Hawaii.

(2) A short new road at Waimea, Kauai.

(3) A new bridge across a swamp at Kailua, Oahu.

(4) Relocation of main Island of Molokai highway.

(5) A new Ewa to Waipahu road, a Federal Aid Project, Oahu.



(6) Repairs made to Pier 18 in Honolulu, Harbor, Oahu.

(7) For the Hawaiian Pineapple Company, Ltd., at Honolulu, Oahu:

(a) Grading of a lot adjacent to Warehouse;

(b) Construction of overpass over railroad tracks;

(c) Filling and grading of area used for boxes used in hauling pineapples;

(d) Filling and grading of warehouse premises;

(e) Construction of 51 automobile car stalls;

(f) Construction of overpass bridge for conveying fruit;

(g) Paving yard area and roadway for unloading and conveyer system;

(h) Maintenance and repair of lug box area—moving of old shed;

(i) Covering of cafeteria floor with mastipav.

(8) Extension of Pier 29, Honolulu Harbor, Oahu, by constructing new wharf and shed for Inter-Island Steam Navigation Company.

(9) Alterations to building of Tropical Frosted Foods, Ltd. (Oahu), processors of mixed fruit juices, some of which were exported to mainland.

(10) Construction of new 12-inch tanker to storage tank supply line for Union Oil Company, Oahu.

## VI.

The following named plaintiffs were employed by defendant during all or part of the period from November 14, 1939, to December 7, 1941; on one or more of the above-listed jobs found to be covered by the Fair Labor Standards Act of 1938 as amended:

Raymond Au, aka\* Raymond Y. T. Au  
Cornelio I. Agsalog, aka Cornelio L. Agsalog  
Edward Apana  
Teofilo Barluado, aka Teofilo Barluada  
Francisco David, aka Francisco V. David  
Clarence J. Freitas  
Joseph Freitas, aka Joe Freitis  
Sadamu Fujikawa  
Sueki Fujikawa  
Rosendo C. Gasparang  
Peter Akuna Goo  
Robert Gouveia, aka Robert Noah Gouveia  
Arthur K. Ho, aka Arthur K. Hoe  
Tokio Ige  
Kim Sew Ing, aka K. S. Ing  
Noboru Inouye  
Hiroshi Kagawa  
George H. Kahanu  
Solomon Kailihiwa, aka Solomon H. Kailihiwa  
Shigeo Kakumitsu, aka Srigeo Kakumitsu  
Daniel Kaleikini  
Seichi Katsuyoshi

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\*"aka" used herein is an abbreviation for "also known as."



Yoshio Kawakami  
Raymond Leopoldo  
Martin Lopes  
Masanobu Maeshiro  
Katsumi Matsuda, aka Bob K. Matsuda  
Tsuguo Matsunobu  
Bert Mitsunaga, aka Bert S. Mitsunaga  
Shiro Nakamura  
Takeo Nishikawa, aka Takao Nishikawa  
Manuel Ornalles, aka Manuel Ornellas  
Joseph J. Perreira, aka Joseph James Perreira  
Andres Ressuriction, aka Andres J. Ressuriction  
E. S. Rose, aka Eddie S. Rose  
Yoshitoyo Sakamoto  
Juan Slazor, aka Juan Salazar  
Yoshito Shigemura, aka Yoshijo Shigemura  
Harold Y. Shito  
Alfred P. Soares  
John M. Soares  
Frank Souza  
Masaji Joseph Taniguchi, aka Joseph M. Taniguchi  
Arthur M. Tavares, aka A. M. Tavares  
Shochi Tokita, aka Shoichi Tokita  
Flemmino Tomayo, aka Felomeno O. Tomayo  
Kunihoshi Yamada, aka K. Yamada  
Masao Yonemura, aka Stanley M. Yonemura

## VII.

The remaining plaintiffs other than those listed in Finding VI above either were not employed by defendant during the period November 14, 1939, to December 7, 1941, or if they were employed they

worked on jobs found to be not covered by the Fair Labor Standards Act of 1938 as amended in the Ruling Upon Coverage Pursuant to Stipulation entered herein on August 12, 1948.

### VIII.

As to the plaintiffs listed in Finding VI above, their recovery is limited to the amounts set after their names in Paragraph IV of the Conclusions of Law hereinafter set forth for the reason that if during the period November 14, 1939, to December 7, 1941, they were employed by the defendant on jobs other than those for which recovery is granted, they worked on jobs found to be not covered by the Fair Labor Standards Act of 1938 as amended in the Ruling Upon Coverage Pursuant to Stipulation entered herein on August 12, 1948.

### Conclusions of Law

#### I.

From and after November 10, 1943, until the date of the commencement of this action, defendant did not violate the Fair Labor Standards Act of 1938 as amended because the hours of work and rates of pay of its employees were established in conformity with the standards prescribed by said act.

#### II.

From and after December 7, 1941, and until November 10, 1943, defendant failed to pay its employees according to the standards prescribed by

the Fair Labor Standards Act of 1938 as amended, but defendant did pay its employees during that period pursuant to standards established by the military governor of Hawaii applicable to it. Said military governor was an "agency of the United States" within the meaning of Section 9 of the Portal-to-Portal Pay Act of 1947, 29 U.S.C. Section 258, and the military orders governing the hours of work and rates of pay of defendant come within the meaning of the terms "regulation, order, ruling, approval, or interpretation" in said act.

### III.

Having found upon undisputed affidavits that defendant acted in good faith, in conformity with the orders of the military governor, in determining the hours of work and rates of pay of its employees for the period December 7, 1941, to November 10, 1943, the court concludes that defendant has, under Section 9 of the Portal-to-Portal Pay Act of 1947, pleaded and proven a defense to the suit brought by plaintiffs with respect to such period for failure to pay its employees pursuant to the standards set forth in the Fair Labor Standards Act of 1938 as amended.

### IV.

During the period November 14, 1939, to December 7, 1941, defendant violated the Fair Labor Standards Act of 1938, as amended, by failing to pay its employees according to the standards prescribed by said act, and the following-named plaintiffs who worked on jobs found to be in interstate

commerce, or the production of goods for commerce, within the meaning of the Fair Labor Standards Act of 1938 as amended, are entitled to recover from defendant the amounts set forth opposite their names for overtime pay and penalties under said act:

Raymond Au, aka Raymond Y. T. Au.....	\$ 74.90
Cornelio I. Aagsalog, aka Cornelio L. Aagsalog	5.50
Edward Apana .....	74.88
Teofilo Barluado, aka Teofilo Barluada.....	2.40
Francisco David, aka Francisco V. David...	6.00
Clarence J. Freitas.....	4.26
Joseph Freitas, aka Joe Freitas.....	11.56
Sadamu Fujikawa .....	.90
Sueki Fujikawa .....	9.90
Rosendo C. Gasparang.....	2.76
Peter Akuna Goo.....	485.74
Robert Gouveia, aka Robert Noah Gouveia.	30.62
Arthur K. Ho, aka Arthur K. Hoe.....	86.28
Tokio Ige .....	10.50
Kim Sew Ing, aka K. S. Ing.....	15.00
Noboru Inouye .....	779.80
Hiroshi Kagawa .....	6.80
George H. Kahanu.....	72.26
Solomon Kailihiwa, aka Solomon H. Kaili- hiwa .....	11.90
Shigeo Kakumitsu, aka Srigeo Kakumitsu..	55.20
Daniel Kaleikini .....	9.76
Seichi Katsuyoshi .....	4.82
Yoshio Kawakami .....	7.60

Raymond Leopoldo .....	76.86
Martin Lopes .....	3.00
Masanobu Maeshiro .....	2.50
Katsumi Matsuda, aka Bob K. Matsuda.....	6.80
Tsuguo Matsunobu .....	2.76
Bert Mitsunage, aka Bert S. Mitsunaga ....	231.66
Shiro Nakamura .....	5.00
Takeo Nishikawa, aka Takao Nishikawa...	3.50
Manuel Ornalles, aka Manuel Ornellas.....	35.34
Joseph J. Perreira, aka Joseph James Per- reira .....	12.02
Andres Ressoriction, aka Andres J. Ressor- riction .....	4.00
E. S. Rose, aka Eddie S. Rose.....	234.18
Yoshitoyo Sakamoto .....	9.00
Juan Slazor, aka Juan Salazar.....	28.98
Yoshito Shigemura, aka Yoshijo Shigemura.	21.20
Harold Y. Shito.....	436.08
Alfred P. Soares.....	15.40
John M. Soares.....	11.56
Frank Souza .....	15.46
Masaji Joseph Taniguchi, aka Joseph M. Taniguchi .....	138.12
Arthur M. Tavares, aka A. M. Tavares ....	20.50
Shochi Tokita, aka Shoichi Tokita.....	5.00
Flemmino Tomayo, aka Felomeno O. Tomayo .....	1.66
Kunihoshi Yamada, aka K. Yamada.....	70.74
Masao Yonemura, aka Stanley M. Yone- mura .....	120.42



## V.

The remaining plaintiffs herein not having been employed by defendant in interstate commerce or in the production of goods for commerce during the period November 14, 1939, to December 7, 1941, are not entitled to recover anything from the defendant; and the plaintiffs listed in Conclusion IV as hereinabove set forth not having been employed by defendant in interstate commerce or in the production of goods for commerce during the period November 14, 1939, to December 7, 1941, except in those jobs found to be covered by the Fair Labor Standards Act of 1938 as amended, in the Ruling Upon Coverage Pursuant to Stipulation entered herein on August 12, 1948, are not entitled to recover anything from the defendant except as shown in Conclusion IV above.

A judgment formulated in accordance with the findings and conclusions stated herein will be signed upon presentation.

Dated: Honolulu, T. H., June 23, 1950.

/s/ J. FRANK McLAUGHLIN,  
Judge.

[Endorsed]: Filed June 23, 1950.

In the United States District Court  
for the Territory of Hawaii

Civil No. 672

KAM KOON WAN, on His Own Behalf and on  
Behalf of All Other Persons and Employees of  
Defendant Who Are Similarly Situated,

Plaintiffs,

vs.

E. E. BLACK, LTD., an Hawaiian Corporation,  
Defendant.

### JUDGMENT

The above cause having come on for trial before the Court and the Court having heretofore determined upon a motion for summary judgment that the defendant was not liable to the plaintiff and the intervenors for work done subsequent to November 10, 1943, because wages were paid thereafter at the statutory rate prescribed by the Fair Labor Standards Act of 1938, and further that defendant was not liable for work done subsequent to December 7, 1941, because defendant paid plaintiff and intervenors in good faith and in conformity with and in reliance on the rulings of the Office of the Military Governor of the Territory of Hawaii and that such payments were in fact made in good faith and in reliance upon said rulings, regulations and orders and as a matter of law under Section 9 of the Portal-to-Portal Act (29 U.S.C. 258) constitute a defense

to the claims of plaintiff and intervenors herein for the period December 7, 1941, to and including November 10, 1943, and the Court having determined on the basis of stipulated facts which of the jobs performed prior to December 7, 1941, but within a period six years prior to the filing of the complaint herein were in interstate commerce, and the Court having found that the defendant is indebted to the following named intervenors in the amounts set forth below for overtime pay and penalties pursuant to the Fair Labor Standards Act of 1938, and a prior judgment entered herein on January 20, 1949, having been found not to be final for failure properly to name all parties therein;

Now, Therefore, It Is Ordered, Adjudged and Decreed:

(1) That the following-named intervenors have and recover of defendant the sums set opposite their respective names:

Raymond Au, a.k.a.* Raymond Y. T. Au . . .	\$ 74.90
Cornelio I. Aagsalog, a.k.a. Cornelio L. Aagsalog . . . . .	5.50
Edward Apana . . . . .	74.88
Teofilo Barluado, a.k.a. Teofilio Barluada . . .	2.40
Francisco David, a.k.a. Francisco V. David . . .	6.00
Clarence J. Freitas . . . . .	4.26
Joseph Freitas, a.k.a Joe Freitas . . . . .	11.56

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\*“a.k.a.” used herein is an abbreviation for “also known as.”



Sadamu Fujikawa .....	.90
Sueki Fujikawa .....	9.90
Rosendo C. Gaspang.....	2.76
Peter Akuna Goo.....	485.74
Robert Gouveia, a.k.a. Robert Noah Gouveia.	30.62
Arthur K. Ho, a.k.a. Arthur K. Hoe.....	86.28
Tokio Ige .....	10.50
Kim Sew Ing, a.k.a. K. S. Ing.....	15.00
Noboru Inouye .....	779.80
Hiroshi Kagawa .....	6.80
George H. Kahanu.....	72.26
Solomon Kailihiwa, a.k.a. Solomon H. Kaili- hiwa .....	11.90
Shigeo Kakumitsu, a.k.a. Srigeo Kakumitsu.	55.20
Daniel Kaleikini .....	9.76
Seichi Katsuyoshi .....	4.82
Yoshio Kawakami .....	7.60
Raymond Leopoldo .....	76.86
Martin Lopes .....	3.00
Masanobu Maeshiro .....	2.50
Katsumi Matsuda, a.k.a. Bob K. Matsuda...	6.80
Tsuguo Matsunobu .....	2.76
Bert Mitsunage, a.k.a. Bert S. Mitsunaga..	231.66
Shiro Nakamura .....	5.00

Takeo Nishikawa, a.k.a. Takao Nishikawa...	3.50
Manuel Ornalles, a.k.a. Manuel Ornellas....	35.34
Joseph J. Perreira, a.k.a. Joseph James Perreira .....	12.02
Andres Ressoriction, a.k.a. Andres J. Ressor- riction .....	4.00
E. S. Rose, a.k.a. Eddie S. Rose.....	234.18
Yoshitoyo Sakemoto .....	9.00
Juan Slazor, a.k.a. Juan Salazar.....	28.98
Yoshito Shigemura, a.k.a. Yoshijo Shige- mura .....	21.20
Harold Y. Shito.....	436.08
Alfred P. Soares.....	15.40
John M. Soares.....	11.56
Frank Souza .....	15.46
Masaji Joseph Taniguchi, a.k.a. Joseph M. Taniguchi .....	138.12
Arthur M. Tavares, a.k.a. A. M. Tavares...	20.50
Shochi Tokita, a.k.a. Shoichi Tokita.....	5.00
Flemmino Tomayo, a.k.a. Felomeno O. Tomayo .....	1.66
Kunihoshi Yamada, a.k.a. K. Yamada.....	70.74
Masao Yonemura, a.k.a. Stanley M. Yone- mura .....	120.42

(2) That the plaintiff, Kam Koon Wan and the following intervenors herein have and recover nothing in this action, to wit:

Kam Koon Wan

Aquilino Aboc

Takeshi A. Adachi, a.k.a. Takeshi Adachi

George J. Ajimine, a.k.a. George Ajimine

Yoshiji Aoki

Toshio Arakaki

Genichi Asato

Kenye Asato

Yeisei Asato

Robert Awakuni, a.k.a. Robert J. Awakuni

Zacarias Barago

Simeon M. Batoon, a.k.a. Simeon Macabasog Batoon

Maximo Baquiden, a.k.a. Maximo E. Baquioen

Daniel C. Bayaca

Chrisanto Bolilan, a.k.a. Crisanto Bolilan

Guillermo Boylan, a.k.a. Guillermo D. Baylon

Alberto Buscato

Feliciano Cabais, a.k.a. Feliciano C. Cabais

Eusebio Cadavis, a.k.a. Eusebio C. Cadavis

James N. Cain, a.k.a. James Norton Cain

Julian Calano, a.k.a. Julian B. Calano

Robert Masaru Chagami, a.k.a. Masaru R. Chagami

Raphael Kalahoano Christ, a.k.a. Raphael K.

Christ, Jr.

V. Colona, a.k.a. Victoriano N. Coloma

Juan Cube, a.k.a. Juan C. Cube

Constancio Cui

Damaso B. Dacutan, a.k.a. Damaso Dacatan

Cipriano Dela Cruz, a.k.a. Cipriano C. Dela Cruz

Eulogio Dela Cruz

P. Dela Cruz, a.k.a. Pedro Pio Dela Cruz

William De Silva

Vicente G. Cocosin, a.k.a. Vincente G. Docosin

Esidro Doguman, a.k.a. Esidro Daguman

P. L. Domingo, a.k.a. Pedro T. Domingo

Baldomero P. Dumlao, a.k.a. Baldomero Dumlao

Frank B. Enos, a.k.a. F. B. Enos

Rufo Espirito, a.k.a. Rufo Espiritu

Feliciano Fabian, a.k.a. Feliciano P. Fabian

E. Fernandez, a.k.a. Edward R. Fernandez

L. G. Fernandez, a.k.a. Lawrence J. Fernandez

Manuel Fernandez, a.k.a. Manuel J. Fernandes

William H. K. Fong

George Fonseca, a.k.a. George Fonsica

Liborio T. Francisco, a.k.a. Liborio Francisco

Bert K. Fuchigami

S. Fujimoto

Yoshio Fujinaga

Yoshimi Fujiwara

Shoso Fukuhara

Tamotsu Fujioka, a.k.a. Tamotsu Fukuoka

Tsuruo Fukuroku

J. K. Fukuya, a.k.a. Jerry Kazuo Fukuya

Saturnino J. Gahuman, a.k.a. Sturnini Gahuman

Benito A. Galon, a.k.a. Genito A. Galos

Tony Galtua

Isidoro Games, a.k.a. Isidro D. Gamas

Telesporo Ganigan, a.k.a. Telesfono Ganigan

Endelicio B. Ganir

Hipolito D. Gombio

Frank Gonsalves  
Hisao Goto  
Joseph Gouveia  
Manuel Gouveia  
Noboru Gushikuma  
Felia Gutierrez, a.k.a. Gelix Gutierrez  
Roberto Daneel Guting  
Isao Hamada  
Ichiro Harada  
Gus Sadami Hoshimoto, a.k.a. Gus S. Hashimoto  
James Junichi Hashimoto, a.k.a. James J. Hashimoto  
Jiro Higa  
Seimei Higa  
Tadanobu Higa  
Tamotsu Higa  
Tokuyei Higa  
Tokuzen Higa  
Kazuo Higuchi  
Ralph Jichi Hirai, a.k.a. Juichi Ralph Hirai  
Riichi Hirano  
Shigeru Hirashima  
Richard K. Horikawa  
Seichi Ige  
E. Inis, a.k.a. Eutiquiano M. Inis  
Masato Inouye  
Yoshio Inouye  
Kiyotake Ishitani  
Edward Isamu Ito, a.k.a. Edward I. Ito  
Keisuke Iwata, a.k.a. Keisuke Iwate  
Hajime Izumi  
E. Jike, a.k.a. Ekiso Jike or Jike Ekiso

Wm. K. Jones, a.k.a. William K. Jones

Salvator Jordano, a.k.a. Salvatore Jordano, Sr.

Raymond Y. Kagihara

Charles P. Kailihiwa, Sr., a.k.a. Charles P. Kailihiwa

R. M. Kaiura, a.k.a. Ralph M. Kaiura

Shigeto Kamada

Sueo Kawakami

Shigejiro Kaya

David E. Kihei, a.k.a. D. E. Kihie

M. Kimura, a.k.a. Minoru Kimura

William K. Kipapa

Kisei Kobashigawa, a.k.a. Kisei Kobashikawa

Kenzo Koshiyama, a.k.a. Kenso Koshiyama

Harold K. Kubota

Ronald Kunishige, a.k.a. Sakae Kunishige

Pedro D. Lacno

Quon Wo Leong

Raymond B. Lopes

Mack Hong Lum

M. Macadangdang, a.k.a. Manuel Macadangdang

George Machado

Manuel Machado

J. T. Maeda, a.k.a. Takematsu Maeda

Tatsuo Maeda

Suenobu Makino

Walter K. Makino

Juan Mapano

Clemente M. Martin

Hajime Masanori, a.k.a. Masanori Hajime

Shunichi Masuda, a.k.a. Shinichi Masuda

G. K. Matsumori, a.k.a. George K. Matsumori



Thomas Hideo Matsunaka, a.k.a. H. Matsunaka  
Davie K. Matton, a.k.a. Davis K. Mattoon  
Henry A. May, a.k.a. Heuay A. May  
Guy McNeal, Jr., a.k.a. Guy McNeil  
George Philip Mendes, a.k.a. George P. Mendes  
Antonio P. Mesquita  
Louis Miguel  
Nio Miyasato  
Sadao Miyashiro  
Nolan M. Miyazaki, a.k.a. Nonal M. Miyazaki  
Y. Mizota, a.k.a. Yoshio Mizota  
Fumio Mori  
Masao Mori  
Hector P. Morton, Jr., a.k.a. Hector R. Morton, Jr.  
Yoshio Mugao  
Itsuo Muneoka  
Yutaka Muneoka  
Sachio Murakami  
Naoto Murakawa  
Sunao T. Nabeshima, a.k.a. Thomas S. Nabeshima  
Edward Naehu, a.k.a. Edward K. Naehu  
Alfonzo D. Nagal, a.k.a. Alfongo W. Nagal  
Sakaru Naganuma  
Charles Nakagawa, a.k.a. Charles H. Nakagawa  
Shinkatsu Nakamine, a.k.a. Charles S. Nakamine  
Sonsuke Nakamura, a.k.a. Raymond S. Nakamura  
Sueo Nakamura  
Kiyoto Nakanishi  
Eddie Nakata, a.k.a. Edward H. Nakata  
Pablo S. Nano, a.k.a. Pablo Nano  
Bonifacio Nanzo, a.k.a. Bonifácio M. Nanzo  
Edwin F. Neves, a.k.a. Edwin Neves

Gualberto Nicholas, a.k.a. Gualberto P. Nicolas  
Paul Nishi, a.k.a. Paul N. Nishi  
Philip Koso Nishikawa, a.k.a. Koso Nishikawa  
S. Nitta, a.k.a. Susumu Nitta  
George Nobriga, a.k.a. George C. Nobriga  
Raymond Tadasato Noji, a.k.a. Ladasato R. Naji  
Larry Teruo Nosaka, a.k.a. Larry T. Nosaka  
Masao Ochi  
Alejandro Octabiano  
Kiyoshi C. Ogawa, a.k.a. Carl Kiyoshi Ogawa  
Tarao Ogino  
Susumi Ohata, a.k.a. David S. Ohata  
Yoshiuki Oishi, a.k.a. Yoshiuk Oishi  
N. Okada, a.k.a. Edwin N. Okada  
T. Okazaki, a.k.a. Tomiyoshi Okazaki  
Tsukio Okimoto  
K. Okuhara, a.k.a. Kiyoshi Okuhara  
Frank Ortiz  
Harry Shigeru Oshiro, a.k.a. Harry S. Oshiro  
Masaru Oshiro  
R. N. Oshiro, a.k.a. Robert N. Oshiro  
Seitoku Oshiro  
Yeigi Oshiro  
Tsuyoshi Ota  
J. Paco, a.k.a. Julian Paco  
Harry Papke  
Marcelo Pequero  
Julia Peres, a.k.a. Julian Peres  
Marion Perry  
Harry D. Peterson  
William Pililaau, Jr.



Elsworth Place  
Severo Primero  
Edward Ramos  
Gregorio Recalde  
P. Ricona, a.k.a. Porfirio Ricona  
Geronimo Pata Rojas  
Simeon M. Sagnep  
Takeshi Saifuka  
Eugene Sakada, a.k.a. Eugene Y. Sakoda  
George Sakata  
H. Sakata, a.k.a. Miles H. Sakata  
Edward Leslie Sanderson, a.k.a. Edward L. Sanderson  
Andrew P. Sardinha  
Satoshi Sasaki, a.k.a. Stoshi Sasaki  
G. Sato, a.k.a. Goichi Sato  
Leoncio Sayson, a.k.a. Leoncio A. Sayson  
Hiroshi Shichida  
S. Shimabukuro, a.k.a. Sume Shimabukuro  
Noriyoshi Shimahara  
Kenneth H. Shioi  
Suguru Shishido, a.k.a. Suguro Shishido  
Cornelio Signangote, a.k.a. Cornelio Sinangote  
William K. Simmons  
Teodoro Sismar  
Louis Soares  
James K. Sogara  
Antonio Sonico  
Fred Strohlin, a.k.a. Fred L. Strohlin  
Toshiyuki Suematsu  
Sakai Sugimoto  
A. Suguitan, a.k.a. Albaro P. Suguitan

Nicolas E. Sumbad

Manuel G. Sylva

Shigeo Harold Tabata, a.k.a. Shigeo Tabata

Silvino Tabilisma, a.k.a. Silvino V. Tabilisma

Tranquilino A. Tacla

Takeshi Takabayashi

Edward Z. Takahashi

H. Takizawa, a.k.a. Hirakazu Takizawa

Robert Tamashiro, a.k.a. Robert S. Tamashiro.

Lloyd Jitsuma Tamura, a.k.a. Floyd J. Tamura

T. Tamura, a.k.a. Tadashi Tamura

Katsuji Tanaka

Timoteo Tantal, a.k.a. Timoteo T. Tantal

Abraham Tavares, a.k.a. Abraham A. Tavares

Honorato H. Timateo, a.k.a. Honorato H. Timoteo

Graciano Tinaho, a.k.a. Graciano Maluno Tinaja

Takao Togami

Ted Tokushige

Flaviano Olep Tolentino, a.k.a. Flaviano Tolintino

Yokichi Toma

Sebastian Tomboc, a.k.a. Sebastian B. Tomboc

Alejandro Torres, a.k.a. Alejandro Allingag Torres

Robert S. Toyama

E. Tradio, a.k.a. Eddie Tradio

Isami Tsuzuki, a.k.a. Isamu Tsuzuki

Lucas Tumamao, a.k.a. Lucas V. Tumamao

Robert S. Ueoka

Robert Uno, a.k.a. Sunao R. Uno

Julio N. Valdez, a.k.a. Julio Naranjo Valdez

Pedro Valdez, a.k.a. Pedro B. Valdez

Gordon G. Van Alst, a.k.a. Gordon Van Ald

Joseph Vieira

Shigetoshi Wachi

Mike M. Washiashi, a.k.a. Mike Washiashi

Clayton Wise, a.k.a. Clayton A. Wyse

Clifford Wong, a.k.a. Clifford A. C. Wong

Henry M. Wong, a.k.a. Henry N. Wong

Samuel T. Wright, a.k.a. Samuel Wright

Richard Masao Yamada

Masaru Yamamoto

Masaru Yamamoto

Sadao Yamasaki

Masatoshi Yamauchi

Y. Yasutaki, a.k.a. Henry Y. Yasutaki

Shinsi Yogi, a.k.a. Shinji Yogi

Kazumi N. Yokoyama, a.k.a. Nelson K. Yokoyama

Suewo Yoshida

Melvin M. Zuzui

(3) That defendant shall pay costs in the sum of \$26.50 and attorney's fee in the sum of \$1500;

(4) That defendant, in satisfaction of this judgment, may pay the aforesaid sums due less withholding taxes as to sum payable to intervenors to the clerk of court for distribution to the respective parties entitled thereto.

Dated: Honolulu, Hawaii, June 23, 1950.

/s/ J. FRANK McLAUGHLIN,  
District Judge.

[Endorsed]: Filed June 23, 1950.

[Title of District Court and Cause.]

NOTICE OF APPEAL

Notice is hereby given that the following:

Kam Koon Wan

Raymond Au, a.k.a.\* Raymond Y. T. Au

Cornelio I. Agsalog, a.k.a. Cornelio L. Agsalog

Edward Apana

Teofilo Barluado, a.k.a. Teofilo Barluada

Francisco David, a.k.a. Francisco V. David

Clarence J. Freitas

Joseph Freitas, a.k.a. Joe Freitas

Sadamu Fujikawa

Sueki Fujikawa

Rosendo C. Gaspang

Peter Akuna Goo

Robert Gouveia, a.k.a. Robert Noah Gouveia

Arthur K. Ho, a.k.a. Arthur K. Hoe

Tokio Ige

Kim Sew Ing, a.k.a. K. S. Ing

Noboru Inouye

Hiroshi Kagawa

George H. Kahanu

Solomon Kailihiwa, a.k.a. Solomon H. Kailihiwa

Shigeo Kakumitsu, a.k.a. Srigeo Kakumitsu

Daniel Kaleikini

Seichi Katsuyoshi

Yoshio Kawakami

Raymond Leopoldo

Martin Lopes

Masanobu Maeshiro

\* "a.k.a." used herein is an abbreviation for "also known as."

Katsumi Matsuda, a.k.a. Bob K. Matsuda  
Tsuguo Matsunobu  
Bert Mitsunage, a.k.a. Bert S. Mitsunaga  
Shiro Nakamura  
Takeo Nishikawa, a.k.a. Takao Nishikawa  
Manuel Ornelles, a.k.a. Manuel Ornellas  
Joseph J. Perreira, a.k.a. Joseph James Perreira  
Andres Ressuriction, a.k.a. Andres J. Ressuriction  
E. S. Rose, a.k.a. Eddie S. Rose  
Yoshitoyo Sakamoto  
Juan Slazor, a.k.a. Juan Salazar  
Yoshito Shigemura, a.k.a. Yoshijo Shigemura  
Harold Y. Shito  
Alfred P. Soares  
John M. Soares  
Frank Souza  
Masaji Joseph Taniguchi, a.k.a. Joseph M. Taniguchi  
Arthur M. Tavares, a.k.a. A. M. Tavares  
Shochi Tokita, a.k.a. Shoichi Tokita  
Flemmino Tomayo, a.k.a. Felomeno O. Tomayo  
Kunihoshi Yamada, a.k.a. K. Yamada  
Masao Yonemura, a.k.a. Stanley M. Yonemura  
Aquilino Aboc  
Takeshi A. Adachi, a.k.a. Takeshi Adachi  
George J. Ajimine, a.k.a. George Ajimine  
Yoshiji Aoki  
Toshio Arakaki  
Genichi Asato  
Kenye Asato  
Yeisei Asato  
Robert Awakuni, a.k.a. Robert J. Awakuni

Zacarias Barago

Simeon M. Batoon, a.k.a. Simeon Macabasog Batoon

Maximo Baquiden, a.k.a. Maximo E. Baquioen

Daniel C. Bayaca

Chrisanto Bolilan, a.k.a. Crisanto Bolilan

Guillermo Boylan, a.k.a. Guillermo D. Baylon

Alberto Buscato

Feliciano Cabais, a.k.a. Feliciano C. Cabais

Eusebio Cadavis, a.k.a. Busebio C. Cadavis

James N. Cain, a.k.a. James Norton Cain

Julian Calano, a.k.a. Julian B. Calano

Robert Masaru Chagami, a.k.a. Masaru R. Chagami

Raphael Kalahoano Christ, a.k.a. Raphael K. Christ,  
Jr.

V. Colona, a.k.a. Victoriano N. Coloma

Juan Cube, a.k.a. Juan C. Cube

Constancio Cui

Damaso B. Dacutan, a.k.a. Damaso Dacatan

Cipriano Dela Cruz, a.k.a. Cipriano C. Dela Cruz

Eulogio Dela Cruz

P. Dela Cruz, a.k.a. Pedro Pio Dela Cruz

William De Silva

Vicente G. Cocosin, a.k.a. Vincente G. Docosin

Esidro Doguman, a.k.a. Esidro Daguman

P. L. Domingo, a.k.a. Pedro T. Domingo

Baldomero P. Dumlao, a.k.a. Baldomero Dumlao

Frank B. Enos, a.k.a. F. B. Enos

Rufo Espirito, a.k.a. Rufo Espiritu

Feliciano Fabian, a.k.a. Feliciano P. Fabian

E. Fernandez, a.k.a. Edward R. Fernandez

L. G. Fernandez, a.k.a. Lawrence J. Fernandez

Manuel Fernandez, a.k.a. Manuel J. Fernandes



William H. K. Fong  
George Fonseca, a.k.a. George Fonsica  
Liborio T. Francisco, a.k.a. Liborio Francisco  
Bert K. Fuchigami  
S. Fujimoto  
Yoshio Fujinaga  
Yoshimi Fujiwara  
Shoso Fukuhara  
Tamotsu Fujioka, a.k.a. Tamotsu Fukuoka  
Tsuruo Fukuroku  
J. K. Fukuya, a.k.a. Jerry Kazuo Fukuya  
Saturnino J. Gahuman, a.k.a. Sturnini Gahuman  
Benito A. Galon, a.k.a. Genito A. Galos  
Tony Galtua  
Isidoro Games, a.k.a. Isidro D. Gamas  
Telesporo Ganigan, a.k.a. Telesfono Ganigan  
Endelicio B. Ganir  
Hipolito D. Gombio  
Frank Gonsalves  
Hisao Goto  
Joseph Gouveia  
Manuel Gouveia  
Noboru Gushikuma  
Felix Gutierrez, a.k.a. Gelix Gutierrez  
Roberto Daneel Guting  
Isao Hamada  
Ichiro Harada  
Gus Sadami Hoshimoto, a.k.a. Gus S. Hashimoto  
James Junichi Hashimoto, a.k.a. James J. Hashi-  
moto  
Jiro Higa  
Seimei Higa

Tadanobu Higa

Tamotsu Higa

Tokuyei Higa

Tokuzen Higa

Kazuo Higuchi

Ralph Jichi Hirai, a.k.a. Juichi Ralph Hirai

Riichi Hirano

Shigeru Hirashima

Richard K. Horikawa

Seichi Ige

E. Inis, a.k.a. Eutiquiano M. Inis

Masato Inouye

Yoshio Inouye

Kiyotake Ishitani

Edward Isamu Ito, a.k.a. Edward I. Ito

Keisuke Iwata, a.k.a. Keisuke Iwate

Hajime Izumi

E. Jike, a.k.a. Ekiso Jike or Jike Ekiso

Wm. K. Jones, a.k.a. William K. Jones

Salvator Jordano, a.k.a. Salvatore Jordano, Sr.

Raymond Y. Kagihara

Charles P. Kailihiwa, Sr., a.k.a. Charles P. Kaili-  
hawa

R. M. Kaiura, a.k.a. Ralph M. Kaiura

Shigeto Kamada

Sueo Kawakami

Shigejiro Kaya

David E. Kihei, a.k.a. D. E. Kihie

M. Kimura, a.k.a. Minoru Kimura

William K. Kipapa

Kisei Kobashgawa, a.k.a. Kisei Kobashikawa

Kenzo Koshiyama, a.k.a. Kenso Koshiyama



Harold K. Kubota  
Ronald Kunishige, a.k.a. Sakae Kunishige  
Pedro D. Lacno  
Quon Wo Leong  
Raymond B. Lopes  
Mack Hong Lum  
M. Macadangdang, a.k.a. Manuel Macadangdang  
George Machado  
Manuel Machado  
J. T. Maeda, a.k.a. Takematsu Maeda  
Tatsuo Maeda  
Suenobu Makino  
Walter K. Makino  
Juan Mapano  
Clemente M. Martin  
Hajime Masanori, a.k.a. Masanori Hajime  
Shunichi Masuda, a.k.a. Shinichi Masuda  
G. K. Matsumori, a.k.a. George K. Matsumori  
Thomas Hideo Matsunaka, a.k.a. H. Matsunaka  
Davie K. Matton, a.k.a. Davis K. Mattoon  
Henry A. May, a.k.a. Heuay A. May  
Guy McNeal, Jr., a.k.a. Guy McNeil  
George Philip Mendes, a.k.a. George P. Mendes  
Antonio P. Mesquita  
Louis Miguel  
Nio Miyasato  
Sadao Miyashiro  
Nolan M. Miyazaki, a.k.a. Nonal M. Miyazaki  
Y. Mizota, a.k.a. Yoshio Mizota  
Fumio Mori  
Masao Mori  
Hector P. Morton, Jr., a.k.a. Hector R. Morton, Jr.

Yoshio Mugao

Itsuo Muneoka

Yutaka Muneoka

Sachio Murakami

Naoto Murakawa

Sunao T. Nabeshima, a.k.a. Thomas S. Nabeshima

Edward Naehu, a.k.a. Edward K. Naehu

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Sueo Nakamura

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Paul Nishi, a.k.a. Paul N. Nishi

Philip Koso Nishikawa, a.k.a. Koso Nishikawa

S. Nitta, a.k.a. Susuma Nitta

George Nobriga, a.k.a. George C. Nobriga

Raymond Tadasato Noji, a.k.a. Ladasato R. Naji

Larry Teruo Nosaka, a.k.a. Larry T. Nosaka

Masao Ochi

Alejandro Octabiano

Kiyoshi C. Ogawa, a.k.a. Carl Kiyoshi Ogawa

Tarao Ogino

Susumi Ohata, a.k.a. David S. Ohata

Yoshiuki Oishi, a.k.a. Yoshiuk Oishi

N. Okada, a.k.a. Edwin N. Okada

T. Okazaki, a.k.a. Tomiyoshi Okazaki  
Tsukio Okimoto  
K. Okuhara, a.k.a. Kiyoshi Okuhara  
Frank Ortiz  
Harry Shigeru Oshiro, a.k.a. Harry S. Oshiro  
Masaru Oshiro  
R. N. Oshiro, a.k.a. Robert N. Oshiro  
Seitoku Oshiro  
Yeigi Oshiro  
Tsuyoshi Ota  
J. Paco, a.k.a. Julian Paco  
Harry Papke  
Marcelo Pequero  
Julia Peres, a.k.a. Julian Peres  
Marion Perry  
Harry D. Peterson  
William Pililaau, Jr.  
Elsworth Place  
Severo Primero  
Edward Ramos  
Gregorio Recalde  
P. Ricon, a.k.a. Porfirio Ricon  
Geronimo Pata Rojas  
Simeon M. Sagnep  
Takeshi Saifuku  
Eugene Sakada, a.k.a. Eugene Y. Sakoda  
George Sakata  
H. Sakata, a.k.a. Miles H. Sakata  
Edward Leslie Sanderson, a.k.a. Edward L. Sanderson  
Andrew P. Sardinha  
Satoshi Sasaki, a.k.a. Stoshi Sasaki

G. Sato, a.k.a. Goichi Sato  
Leoncio Sayson, a.k.a. Leoncio A. Sayson  
Hiroshi Shichida  
S. Shimabukuro, a.k.a. Sume Shimabukuro  
Noriyoshi Shimahara  
Kenneth H. Shioi  
Suguru Shishido, a.k.a. Suguro Shishido  
Cornelio Signangote, a.k.a. Cornelio Sinangote  
William K. Simmons  
Teodoro Sismar  
Louis Soares  
James K. Sogara  
Antonio Sonico  
Fred Strohlin, a.k.a. Fred L. Strohlin  
Toshiyuki Suematsu  
Sakai Sugimoto  
A. Suguitan, a.k.a. Albaro P. Suguitan  
Nicolas E. Sumbad  
Manuel G. Sylva  
Shigeo Harold Tabata, a.k.a. Shigeo Tabata  
Silvino Tabilisma, a.k.a. Silvino V. Tabilisma  
Tranquilino A. Tacla  
Takeshi Takabayashi  
Edward Z. Takahashi  
H. Tskizawa, a.k.a. Hirakazu Takizawa  
Robert Tamashiro, a.k.a. Robert S. Tamashiro  
Lloyd Jitsuma Tamura, a.k.a. Floyd J. Tamura  
T. Tamura, a.k.a. Tadashi Tamura  
Katsuji Tanaka  
Timoteo Tantal, a.k.a. Timoteo T. Tantal  
Abraham Tavares, a.k.a. Abraham A. Tavares  
Honorato H. Timateo, a.k.a. Honorato H. Timoteo

Graciano Tinaho, a.k.a. Graciano Maluno Tinaja  
Takao Togami  
Ted Tokushige  
Flaviano Olep Tolentino, a.k.a. Flaviano Tolintino  
Yokichi Toma  
Sebastian Tomboc, a.k.a. Sebastian B. Tomboc  
Alejandro Torres, a.k.a. Alejandro Allingag Torres  
Robert S. Toyama  
E. Tradio, a.k.a. Eddie Tradio  
Isami Tsuzuki, a.k.a. Isamu Tsuzuki  
Lucas Tumamao, a.k.a. Lucas V. Tumamao  
Robert S. Ueoka  
Robert Uno, a.k.a. Sunao R. Uno  
Julio N. Valdez, a.k.a. Julio Naranjo Valdez  
Pedro Valdez, a.k.a. Pedro B. Valdez  
Gordon G. Van Alst, a.k.a. Gordon Van Ald  
Joseph Vieira  
Shigetoshi Wachi  
Mike M. Washiashi, a.k.a. Mike Washiashi  
Clayton Wise, a.k.a. Clayton A. Wyse  
Clifford Wong, a.k.a. Clifford A. C. Wong  
Henry M. Wong, a.k.a. Henry N. Wong  
Samuel T. Wright, a.k.a. Samuel Wright  
Richard Masao Yamada  
Masaru Yamamoto  
Masaru Yamamoto  
Sadao Yamamoto  
Sadao Yamasaki  
Masatoshi Yamauchi  
Y. Yasutaki, a.k.a. Henry Y. Yasutaki  
Shinsi Yogi, a.k.a. Shinji Yogi  
Kazumi N. Yokoyama, a.k.a. Nelson K. Yokoyama

Suewo Yoshida

Melvin M. Zuzui

plaintiffs above named, hereby appeal to the Circuit Court of Appeals for the Ninth Circuit from the final judgment entered in this case on the 23rd day of June, 1950.

Dated: Honolulu, T. H., this 11th day of July, 1950.

SAMUEL LANDAU,

Attorney for Appellants above  
named.

[Endorsed]: Filed July 11, 1950.

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From the Minutes of the United States District  
Court for the District of Hawaii

Friday, June 23, 1950

[Title of Court and Cause.]

### ORDER

On this day came Mr. Samuel Landau, counsel for the plaintiffs herein, and also came Mr. J. Garner Anthony and Mr. Frank D. Padgett of the firm of Robertson, Castle & Anthony, counsel for the defendant herein.

The Court ordered upon stipulation of the respective parties that one principal shall be sufficient on the cost bond on appeal in the sum of \$250.00.



[Title of District Court and Cause.]

DOCKET ENTRIES

1945

Nov. 14—Filing Complaint for unpaid overtime compensation and unpaid minimum wages under the fair labor standards act. Issuing Summons, 1 certified copy Compl. & Summons for service.

Nov. 21—Filing Stipulation.

Dec. 7—Filing U. S. Marshal's return Summons.

1946

Jan. 9—Filing Stipulation.

Feb. 9—Filing Order.

Mar. 11—Filing Stipulation.

Mar. 26—Filing Stipulation.

Mar. 27—Filing Answer.

Filing Motion to Set.

Apr. 1—Entering proceedings hearing on motion—set for Trial May 2, 1946, at 9 a.m.

Apr. 8—Filing Motion to Intervene and Notice.

Apr. 10—Entering proceedings—motion to intervene—granted—Pre Trial Apr. 17, 1946.

Apr. 17—Entering proceedings at Pre Trial. Trial May 2, 1946, taken off calendar.

May 13—Filing Motion to Intervene and Notice.

May 17—Filing Stipulation.



1946

May 20—Entering proceedings—motion to intervene—granted.

June 3—Filing Motion to Intervene. Entering proceedings—motion to Intervene granted—defendant allowed to June 17, 1946, to answer.

June 6—Filing Stipulation.

July 6—Filing Stipulation.

July 17—Filing Stipulation.

Aug. 16—Filing Stipulation.

Oct. 1—Filing Stipulation.

Oct. 30—Filing Stipulation.

Dec. 2—Filing Stipulation.

1947

Jan. 10—Filing Stipulation.

Jan. 31—Filing Amended Answer.

Aug. 15—Filing Motion for leave to amend answer. Filing Notice. Filing Motion for Summary Judgment. Filing memorandum in support of Defendant's motion.

Aug. 25—Entering proceedings at hearing on motion to amend and on motion for summary judgment—motion to amend granted—To file new answer, motion for summary judgment set for hearing Sept. 10, 1947.

Aug. 26—Filing Second Amended Answer.

1947

Sept. 12—Entering proceedings at hearing on motion for summary judgment. Submitted—To file Briefs. Deft. 9-16-47, Plaintiff 10-1-47, Reply 10-10-47.

Sept. 17—Filing memorandum on behalf of defendant Re Act 174—SL. Hawaii 1945.

Oct. 2—Filing memorandum controverting defendant's motion for summary judgment.

Oct. 30—Filing Reply memorandum.

Nov. 20—Filing Supplemental memorandum.

1948

Feb. 5—Filing Ruling upon Motion for a Partial Summary Judgment F.R.C.P. 56(b) and (d).

Mar. 11—Filing Motion for Re-Hearing.

May 13—Entering proceedings at hearing on Motion—Denied. Entering proceedings at hearing on Pre Trial. Continued to 1:30 p.m. May 18, 1948, for further Pre Trial.

May 18—Entering proceedings at further Pre Trial hearing. Filing Stipulation.

May 26—Entering proceedings—at argument—submitted—to file memo by June 9, 1948.

June 9—Filing Memorandum. Filing memorandum re construction industry, etc.

1948

Aug. 12—Filing Ruling upon coverage Pursuant to Stipulation.

Nov. 17—Filing motion to set and notice.

Nov. 20—Entering proceedings hearing on motion—Set for Trial Dec. 14, 1948, at 2 p.m. Pre Trial Dec. 10, 1948, at 2 p.m.

Dec. 10—Entering proceedings Pre Trial conference—case taken off calendar, continued to Dec. 20, 1948, for entry of judgment.

Dec. 20—Entering Order Dec. 27, 1948, for judgment.

1949

Jan. 6—Entering proceedings—matter of judgment continued.

Jan. 14—Entering proceedings at hearing—Witness—John W. Stevens Exhibits Defts. 1 and 2—Judgments to be presented;

Jan. 20—Entering proceedings at Entry of Judgment. Filing Partial Summary Judgment (McLaughlin). Filing Judgment Entered at 1:30 p.m. 1-20-49.

Feb. 15—Filing Notice of Appeal. Filing Bond for Costs on Appeal. Copy notice mailed to Robertson, Castle & Anthony.

Feb. 16—Filing Reporter's Transcript of Proceedings.

1950

Feb. 17—Filing Designation of Record on Appeal.

Mar. 21—Filing Order Extending Time for Filing  
Record on appeal and Docketing appeal.

Apr. 15—Forwarding Record on Appeal to Ninth  
Circuit Court of Appeals.

May 2—Filing Transcript of Proceedings—Grain.

1950

Mar. 17—Filing certified copy Order, U. S. Court  
of Appeals for the Ninth Circuit re Sup-  
plemental record on appeal.

1950

Mar. 18—Forwarding Supplemental Record on Ap-  
peal to Ninth Circuit Court of Appeals.

Apr. 6—Filing certified copy Order, U. S. Court  
of Appeals for the Ninth Circuit re Sec-  
ond Supplemental record on appeal.

Apr. 24—Filing Transcript of Proceedings Apr. 1,  
10, May 20, 1946; September 12, 1947;  
May 13 and 26, 1948.

Apr. 25—Forwarding Second Supplemental Record  
on Appeal to Ninth Circuit Court of Ap-  
peals.

June 23—Entering minute order approving the fil-  
ing of a cost bond of \$250.00 one princi-  
pal. Filing Stipulation re Amended  
Complaint, Filing Motion for Leave to  
Amend Complaint and Order Allowing

1950

Amendment. Filing Findings of Fact and  
Conclusions of Law.

June 23—Filing Judgment (in favor of certain intervenors and against defendant as follows: Raymond Au, \$74.90; Cornelio I. Agsalog, \$5.50; Edward Apana, \$74.88; Teofilo Barluado, \$2.40; Francisco David, \$6.00; Clarence J. Freitas, \$4.26; Joseph Freitas, \$11.56; Sadamu Fujikawa, \$.90; Sueki Fujikawa, \$9.90; Rosendo C. Gas-pang, \$2.76; Peter Akuna Goo, \$485.74; Robert Gouveia, \$30.62; Arthur K. Ho, \$86.28; Tokio Ige, \$10.50; Kim Sew Ing, \$15.00; Noboru Inouye, \$779.80; Hiroshi Kagawa, \$6.80; George H. Kahanu, \$72.26; Solomon Kailihiwa, \$11.90; Shigeo Kakumitsu, \$55.20; Daniel Kaleikini, \$9.76; Seichi Katsuyoshi, \$4.82; Yoshio Kawakami, \$7.60; Raymond Leopoldo, \$76.86; Martin Lopes, \$3.00; Masanobu Maeshiro, \$2.50; Katsumi Matsuda, \$6.80; Tsuguo Matsunobu, \$2.76; Bert Mitsun-age, \$231.66; Shiro Nakamura, \$5.00; Takeo Nishikawa, \$3.50; Manuel Ornalles, \$35.34; Joseph J. Perreira, \$12.02; Andres Ressoriction, \$4.00; E. S. Rose, \$234.18; Yoshitoyo Sakamoto, \$9.00; Juan Slazor, \$28.98; Yoshito Shigemura, \$21.20; Harold Y. Shito, \$436.08; Alfred P. Soares, \$15.40; John M. Soares, \$11.56; Frank Souza, \$15.46; Masaji Joseph Tani-

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guchi, \$138.12; Arthur M. Tavares, \$20.50; Shochi Tokita, \$5.00; Flemmino Tomayo, \$1.66; Kuniyoshi Yamada, \$70.74; Masao Yonemura, \$120.42; Kam Koon Wan et al. to recover nothing; deft. to pay costs of \$26.50 and atty's fee of \$1500; judgment by McLaughlin, Judge). Entered 6/23/50 at 2 p.m.

July 6—Filing Mandate—Court of Appeals 9th Circuit.

July 11—Filing Notice of Appeal. Copy mailed to Robertson, Castle & Anthony. Filing Bond for Costs on Appeal.

Aug. 16—Filing Order Extending Time to File Record on Appeal. Filing Designation of Contents of Record on Appeal.

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[Endorsed]: No. 12677. United States Court of Appeals for the Ninth Circuit. Kam Koon Wan, on his own behalf and on behalf of all other persons and employees of defendant who are similarly situated, Appellant, vs. E. E. Black, Ltd., a Hawaiian corporation, Appellee. Transcript of Record. Appeal from the United States District Court for the Territory of Hawaii.

Filed September 8, 1950.

/s/ PAUL P. O'BRIEN,

Clerk of the United States Court of Appeals for the Ninth Circuit.



In the United States Court of Appeals  
for the Ninth Circuit

No. 12,677

KAM KOON WAN, on His Own Behalf and on  
Behalf of All Other Persons and Employees  
of Defendant Who Are Similarly Situated,

Plaintiffs,

vs.

E. E. BLACK, LTD., a Hawaiian Corporation,  
Defendant.

### STATEMENT OF POINTS

Pursuant to Section 6, Rule 19, of the Rules of Practice of the United States Court of Appeals for the Ninth Circuit, the appellants intend to rely upon the following statement of points:

#### I.

That the Court erred in granting in part the Motion of Defendant for Summary Judgment based on Section 9 of the Portal-to-Portal Act of 1947, in holding that the affidavits of the Defendant were sufficient "proof" within the meaning of Section 9 of said Act.

#### II.

That the Court erred in finding that though the Defendant was not in good faith misled into violating the Fair Labor Standards Act by the Orders of the Military Governor and that it knew or should



have known that obedience to the Orders of the Military Governor would result in such violation, nevertheless the Defendant did all that a reasonable man could have done under the circumstances and that, therefore, the violation of the Fair Labor Standards Act on threat of punishment if it complied therewith was a sufficient defense under Section 9 of the Portal-to-Portal Act.

### III.

That the Court erred in finding that the Defendant was bound on threat of force to obey General Order No. 91 issued by the Military Governor in March, 1942, for the reason that the Order itself specifically exempted those employments covered by the Fair Labor Standards Act.

### IV.

That the Court erred in ruling that the Order of the Military Governor was a "regulation, order, ruling, approval or interpretation" of an agency of the United States within the meaning of Section 9 of the Portal-to-Portal Act.

### V.

That the Court erred in ruling that the claims of the appellants were statutory and not vested rights and hence could be divested by statutory action.

### VI.

That the Court erred in denying the Motion for Rehearing of the Motion for Summary Judgment, on

all grounds of said Motion for Rehearing, filed March 11, 1948.

## VII.

That with respect to work performed by the Defendant before December 7, 1941, as set forth in the Stipulation covering such work the Court erred in ruling:

a. That none of the work except the Federal Building in Hilo, Hawaii, performed by the Defendant under the caption "Federal Government" was within the scope of the Fair Labor Standards Act.

b. That as to the work under the caption "Territorial Government," the territorial wharf at Port Allen, Kauai, and the temporary quarters for the Hawaii National Guard at Schofield Barracks, Oahu, were not covered by the Fair Labor Standards Act.

c. That as to the work under the caption "Private Industry" the following were not covered by the Fair Labor Standards Act:

(1) The building of the new wharf for Inter-Island Steam Navigation Co.

(2) The erection of the new pier and shed (Pier 29) for Inter-Island Steam Navigation Co.

(3) The construction of a new substation at Hickam Field, Oahu, for Mutual Telephone Co.

(4) Digging and backfilling trenches for Hawaiian Electric Company, Ltd.

(5) Erection of a new warehouse storage building and roads, installation of underground storage tank, and construction of container plant and warehouse for Hawaiian Pineapple Company, Ltd.

(6) Extension of Pier 29 by constructing new wharf and shed for Inter-Island Steam Navigation Co.

(7) Digging and backfilling trenches for Honolulu Gas Co.

(8) Construction of a new building for Bishop National Bank at Hickam Field, Oahu.

To clarify the points and to assist in locating where the points were raised and ruled upon, Points I to V inclusive were ruled upon in Ruling Upon Motion for a Partial Summary Judgment, F.R.C.P. 56 (b) and (d), and covered generally in the "Partial Summary Judgment" and Point VII in the "Ruling Upon Coverage Pursuant to Stipulation."

### VIII.

That the Court erred in arriving at its findings of fact and conclusions of law as based on the points hereinabove set forth.

## IX.

That the Court erred in rendering its judgment as based on the points hereinabove set forth.

Dated: Honolulu, T. H., August 16, 1950.

Respectfully submitted,

/s/ SAMUEL LANDAU,

Attorney for Appellants.

Receipt of copy acknowledged.

[Endorsed]: Filed September 8, 1950.